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The News-Scimitar

EIGHTEEN PAGES TODAY.

The News-Scimitar is first as an advertising medium with Memphis business men. They see results from their advertising expenditure, and results count.

U.S. DEPARTMENTS IN CONFLICT OVER RED DEPORTATION

(Continued from first page.)

by the department of labor 22 have been found to be within the meaning of the deportation laws. Fully 1,000 cases have been canceled and 62 have been deferred for further study or consideration.

The conclusion which has been reached by members of congress is that either the department of justice has been over-zealous in arresting innocent people and subjecting them and their families to hardships, or the department of labor has been over-zealous in the aliens and construed the law in such a way as to nullify its enforcement.

The attitude of the department of labor as expressed by Assistant Secretary Post is described in the case of Thomas Russek, which has just been decided in the latter's favor because he was not deemed to have become a member of the communist party, although he had permitted his name to be signed to an application before he was aware of its purpose.

Post Outlines a Case.

Says Mr. Post: "Under the law aliens must be deported if they are members or affiliated with the communist party of America. If this clause be construed as meaning that aliens who have once technically become members of the communist party must be deported even though they have no guilty knowledge or that the principle of once a member always a member applies, it might be possible to spell out the circumstances in this case a membership for which deportation would be mandatory."

"Having applied for membership before the prescribed organization was born and withdrawn before its constitution was brought into being, it would seem to me that this alien would seem to be a fair American citizen, and the requisites even of technical membership, if, however, the requisites of technical membership were all met, nevertheless the congress of the United States should not hastily be presumed to have intended that resident aliens be arrested and deported as members of an unlawful organization, when all the circumstances show the alien himself to have been innocent of any guilty knowledge or motive in taking membership, and when it appears not only that he is, and has been, wholly free from any hostile purpose toward this government, but that he is sympathetic with our democratic institutions."

"Some members of congress may possibly have intended, when they voted for this law, to have it construed in a narrow and un-American fashion; but it would not be reasonable to infer that congress as the constitutional law-making body of this country, enacted this law with any such un-American purposes. I shall therefore assume, in this case, as I have in a large number of similar cases, that congress intended the act of Oct. 16, 1918, to be considered reasonably with reference to the individual knowledge and intent of persons drawn innocently into an unlawful membership."

Considered Typical Case.

"I have described this case at length because in most if not all essentials it is typical of a large proportion of fully 1,000 cases I have decided after hearings in which warrants of arrest had been issued by the department of labor on prima facie proof of probable cause furnished by special agents of the department of justice. The alien is arrested and imprisoned; while in prison they are subjected to a police inquisition; an affidavit showing probable cause—upon information and belief—is thereupon presented to the department of labor whereupon the latter department issues its warrant of arrest, takes over the custody of the alien as by law it is required to do, and proceeds as usual under the expulsion clause of the immigration law. When the hearings at immigration stations are reported verbatim in regular course to the department of labor and the secretary or his lawful representative comes to examine those records, it is found in a large proportion of the large number of cases I have examined that there is no better reason for deportation than is disclosed in the present case. In some cases the membership in the unlawful organization having been transferred from a lawful organization to the unlawful one by vote of a group or branch of the former and without his knowledge."

"In some cases he has had knowledge of the transfer but come at knowl-

POPULAR AUTOMOBILE OFFICIAL GOING TO PHILADELPHIA POST

An announcement which will be of much interest to a wide circle of friends as well as to the automobile world, is that of the promotion of John D. Coss to the position of manager of the Buick Motor company, Philadelphia.

Mr. Coss was formerly branch manager of the John Deere Plow company, Columbus, O., later sales manager of the Chicago branch of the Buick Motor company and for the past two years has been manager of the Memphis branch for the same company. His promotion comes as a result of his wide experience, splendid executive ability and untiring efforts in promoting interests of the organization with which he is associated. As manager of the Memphis branch, he has been instrumental in building up one of the largest and best dealer organizations in the South.

At a meeting at the Gayoso hotel last Wednesday, E. H. Wilson, director of sales, Buick Motor company, Flint, Mich., addressed the dealers and the Memphis branch. At the conclusion of the meeting he announced the transfer of Mr. Coss and the appointment of Mr. Coss' successor, G. H. Gillespie.

Mr. Gillespie has been sales manager since the opening of the Memphis branch. Mr. H. V. Neff, who has also been associated with this organization for the past three years in the capacity of territory man, will succeed Mr. Gillespie as sales manager.



JOHN D. COSS.

of the character of the organization to which he has been transferred. In other cases he has signed applications before the existence of the unlawful organization and has never confirmed his membership by any conscious act. Sometimes an organizer or a friend has signed the application for him. As a rule, the hearings show the alien arrested to be working men of good character who are not anarchists or revolutionists, nor politically or otherwise dangerous in any sense. Many of them, as in this case, have American-born children. It is pitiful to consider the hardships to which they and their families have been subjected during the past three or four months by arbitrary arrests. There have been cases of long detention in default of bail beyond the means of hard-working wage earners to give for nothing more dangerous than affiliating with friends of their own race, color and language, and without the slightest indication of sinister motive, or any unlawful act within their knowledge or intention."

Cannot Permit Conspiracies.

"To permit aliens to violate the hospitality of this country by conspiring against it is something which no American can contemplate with patience. Equally impatient, however, must any patriotic American be with drastic proceedings on flimsy proof to deport aliens who are not conspiring against our laws and do not intend to. Although these are not criminal proceedings, being wholly administrative in their character, their effect upon the innocent individual who in this summary he found to be guilty is distressing to him and his family, to his friends and to his neighbors as the effect of conviction for crime by regular judicial process."

As a consequence of the foregoing case, Post has drawn up certain rules for the guidance of his department in handling deportation arrests. This series of rules has come in for severe criticism at the department of justice on the ground that deportation is made virtually impossible. The controversy between the two departments is a friendly one and the interest of the

president himself has been elicited to straighten it out with the prospect that congress, stimulated by the outbreak railway strike, may also take a hand and investigate the whole question of behavior of aliens.

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The Voice of Tetravizini

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COURTS RESUME AFTER VACATION FOR GAME

Courts of Shelby county resumed their activities Saturday at a point where they had been terminated Friday noon to enable athletes and judges to attend the opening game of the 1929 baseball season at Runwood park.



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JAPS AND RUSSIANS CONTINUE FIGHTING

VLADIVOSTOK, April 17. (By the Associated Press.)—Heavy fighting between Russian and Japanese forces continues at Khabarovsk, on the Amur river, and casualties suffered by each side are heavy, according to reports received here.

Towns along the Ussuri river branch of the Trans-Siberian railroad, north of here, are all in the hands of the Japanese, but hundreds of Russians are fleeing to the hills and have again started guerrilla warfare.

Arrests of Russians by Japanese in this city continue, but government buildings are being returned to Russians and the red flag is reappearing. Gen. Kravetsky, commander of the provincial government's troops here, has resigned, and has been succeeded by Gen. Soldatoff, former commander in chief, under the all-Russian government at Omsk, who resigned his post when Admiral Koltchak assumed power there. Gen. Antonovitch, who acted as chief of staff with Gen. Rozanoff, will act in the same capacity with Gen. Soldatoff.

MARTIN G. SMITH DIES.

CHATTANOOGA, Tenn., April 17.—Martin G. Smith, 40, lawyer, former member of the Georgia legislature, for four terms, and formerly clerk of the superior court of DeKalb county, died here this morning after two weeks' illness. He was an army service man, resigning a seat in the legislature to enlist.

Two Vacancies In Marine Corps Here

Two vacancies are announced in the recruiting detail of the U. S. Marine Corps on duty in Memphis. It is planned to recruit to full strength, from ex-marines, now living in Memphis.

During the past week 10 men were accepted for first enlistment and two for re-enlistment. They are: Whit W. Wofford, Carl Hamann, Perry White, Roland G. Ford, Teddy McCall, Curtis A. Greaver, William L. Norton, Sidney H. Bolton, Marcus F. Shannon, Joe Mitkavitch, Jr., Forest A. Ware and Melvin H. Watson.

WILL HANDLE REALTY.

Realty deals will be handled by the Co-operative Improvement company, charter for which was granted Friday. Capital stock is listed at \$10,000. The list of incorporators are: E. T. DePass, E. A. Passino, Mrs. M. P. Rand, H. C. Foster, W. D. Jemison, Edward Kennedy, R. S. Keebler and G. W. Ritchie.

11 TO BE DEPORTED.

CHATTANOOGA, Tenn., April 17.—Eleven alien prisoners, who have been interned at the German war prison barracks at Port Oglethorpe, are today speeding on their way to New York, thence to be taken to Ellis island for deportation.



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